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FEDERAL COMMUNICATIONS COMMISSION

■

EMERGENCY BROADCAST SYSTEM

Revision of Regulations

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-56]

PART 73—RADIO BROADCAST SERVICES

Emergency Broadcast System (EBS)

In the matter of general revision of Subpart G, Part 73 of the Commission's rules and the Standard Operating Procedures, to update and simplify the rules governing the Emergency Broadcast System (EBS).

1. Efforts are being expended on a continuing basis to update and simplify the Rules and Regulations and the Standard Operating Procedures (SOP's) governing the operation of the Emergency Broadcast System (EBS). Changes to the rules and SOP's are made in conjunction with recommendations submitted by Working Groups I and V of the Broadcast Services Subcommittee, National Industry Advisory Committee (NIAC) and are as indicated below:

(a) Modifications are made to reflect the inclusion of National Public Radio (NPR) and Public Broadcast Service into the EBS.

(b) Section 73.901, *Scope of Subpart*, has been modified and an authority statement has been included.

(c) The definition for Emergency Broadcast System has been moved from § 73.914 to § 73.903 since this definition is the key to all actions in the subpart.

(d) Section 73.905 *Emergency Action Notification System*, has been deleted while incorporating, in § 73.931, the various dissemination methods by which all licensees and regulated services of the FCC and participating non-government industry entitles are notified of the existence of emergency situations. The use of the term Emergency Action Notification System has led to confusion in the past and is therefore eliminated to provide for better understanding.

(e) The definition for Emergency Action Notification (EAN) has been moved from § 73.907 to § 73.905 since the EAN is a key element in the EBS.

(f) Section 73.908 *Emergency Action Condition*, has been eliminated. This term is considered to be unnecessary.

(g) Section 73.908 *Emergency Action Condition Termination*, has been retitled "Emergency Action Termination," to conform to elimination of § 73.908.

(h) Section 73.914 *Emergency Action Checklist for the Emergency Broadcast System (EBS)*, has been retitled "EBS Checklist" and renumbered as § 73.910.

(i) The former § 73.910 has been eliminated and the publication, Detailed Non-government Activation and Termination Procedures for the Emergency Broadcast System, has been revoked. All material in this publication appears in other readily available documents such as the rules and regulations and the Standard Operating Procedures.

(j) The definition for the Standard Operating Procedures (SOP's) and Authentication Word Lists formerly combined in § 73.911 have been separated and are now in § 73.911 *Standard Operating Procedures* and § 73.912 *Authenticator Word Lists*. The Standard Operating Procedures (SOP's) have been changed to reflect three SOP's used in conjunction with the EBS as opposed to the two SOP's previously in use. SOP-1, EBS Activation and Termination Procedures, is used during an actual activation of the EBS. SOP-2, Test Procedures, formerly incorporated in SOP-1, is used during tests of various facets of the EBS. SOP-3, Backup Procedures, contains the information found in former SOP-3.

(k) The definitions under § 73.917 *Primary Station Emergency Broadcast System (EBS) Authorization* and § 73.918 *Alternate Station Emergency Broadcast System (EBS) Authorization*, have been incorporated into § 73.917 *Primary or Alternate Station—Emergency Broadcast System (EBS)*.

(l) The definitions under § 73.919 *Primary Relay Station Emergency Broadcast System (EBS) Authorization* and § 73.920 *Alternate Relay Station Emergency Broadcast System (EBS) Authorization* have been incorporated into § 73.918 *Primary Relay or Alternate Relay Station—Emergency Broadcast System (EBS)*.

(m) Section 73.921 *Non-Participating Station*, has been renumbered as § 73.919 for editorial purposes.

(n) Former § 73.922 *Detailed State Emergency Broadcast System (EBS) Operational Plan*, has been redesignated as § 73.920 and the word "Detailed" eliminated.

(o) Former § 73.923 *Operational (Local) Area*, has been renumbered § 73.921 for editorial purposes.

(p) Former § 73.924 *Common Program Control Broadcast Station*, has been renumber § 73.922 and the title changed to read "Common Program Control Station (CPCS)".

(q) Section 73.923 *State Relay Network* and § 73.924 *State Network Primary Control Station*, have been added to the definitions. These terms were both formerly and currently used and definitions are necessary to ensure clarity.

(r) Section 73.931 is retitled, "Dissemination of Emergency Action Notification," vice Notification of Emergency Action Condition, to conform to elimination of § 73.908.

(s) In § 73.933, the announcements previously found therein have been eliminated. Reference is made to the EBS Checklists where they may be readily located.

(t) Section 73.934 *Termination of Emergency Action Condition* has been deleted and the instructions for termination of an emergency situation have been incorporated in § 73.933.

(u) The titles to §§ 73.936 and 73.937 have been modified to eliminate the words "Action Condition". In addition, the announcements contained in these sections have been deleted since they appear in the EBS Checklists and reference to this fact has been made in the appropriate paragraphs.

(v) Section 73.961 has been retitled, "Tests of the Emergency Broadcast System Procedures." Further, initiation of separate AP and UPI Test Transmissions to AM, FM and TV broadcast stations on the Radio Wire Teletype Networks is now a maximum of twice a month on a random basis at times of their choice in lieu of the previous requirement for weekly tests.

(w) Section 73.962 now makes provision for random or scheduled Closed Circuit Tests of the EBS. Unless a random Closed Test has been selected, the FCC will notify the Networks AT&T and Wire Services of the selected time window for the test four working days (holidays excluded) prior to the test. Also, a termination message has been added to the Closed Circuit Test procedures to bring this test into conformity with an actual EBS operation.

(x) Standard Operating Procedures. (1) As indicated above, the three SOP's are now provided for.

(2) The SOP's are reformed to permit operators to follow step-by-step procedures to insure compliance with requirements.

(3) The Weekly AP and UPI Test Transmission is redesignated the Periodic AP and UPI Test Transmission.

(4) SOP-3 is amended to provide for a Closed Circuit Test Termination Message.

2. Because of the amendments to Subpart G, it is necessary to make editorial changes to §§ 73.98 (b) and (g), 73.298 (b) and (f), 73.597 (b) and (f) and 73.675 (b) and (f).

3. *It is ordered*, That effective March 15, 1974, Part 73 of the Commission's rules and regulations is amended as set forth in Appendix A and the Standard Operating Procedures are approved as set forth in Appendix B.

4. Authority for these amendments is set out in section 1, 4 (i) and (o), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154 (i) and (o), and 303(r). Because these amendments are procedural in nature, the prior notice provisions of 5 U.S.C. 553 are inapplicable.

Adopted: January 9, 1974.

Released: January 23, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX A

Part 73 of 47 CFR Chapter I is amended, as follows:

1. In § 73.98 paragraphs (b) and (g) are amended to read as follows:

§ 73.98 Operation during emergency.

* * * * *

(b) When emergency operation is conducted under a State-Level EBS Operational Plan, the attention signal described in § 73.906 may be employed.

* * * * *

(g) If the Emergency Broadcast System (EBS) is activated at the National-Level while non-EBS emergency operation under this section is in progress, the EBS shall take precedence.

2. In § 73.298 paragraphs (b) and (f) are amended to read as follows:

§ 73.298 Operation during emergency.

* * * * *

(b) When emergency operation is conducted under a State-Level EBS Operational Plan, the attention signal described in § 73.906 may be employed.

* * * * *

(f) If the Emergency Broadcast System (EBS) is activated at the National-Level while non-EBS emergency operation under this section is in progress, the EBS shall take precedence.

3. In § 73.597 paragraphs (b) and (f) are amended to read as follows:

§ 73.597 Operation during emergency.

* * * * *

(b) When emergency operation is conducted under a State-Level EBS Operational Plan, the attention signal described in § 73.906 may be employed.

* * * * *

(f) If the Emergency Broadcast System (EBS) is activated at the National-Level while non-EBS emergency operation under this section is in progress, the EBS shall take precedence.

4. In § 73.675 paragraphs (b) and (f) are amended to read as follows:

§ 73.675 Operation during emergency.

* * * * *

(b) When emergency operation is conducted under a State-Level EBS Operational Plan, the attention signal described in § 73.906 may be employed.

* * * * *

(f) If the Emergency Broadcast System (EBS) is activated at the National-Level while non-EBS emergency operation under this section is in progress, the EBS shall take precedence.

5. Subpart G of 47 CFR Part 73 is revised to read as follows:

Subpart G—Emergency Broadcast System

SCOPE AND OBJECTIVES

Sec.
73.901 Scope of Subpart.
73.902 Objectives of subpart.

DEFINITIONS

73.903 Emergency Broadcast System (EBS).
73.904 Licensee.
73.905 Emergency Action Notification (EAN).
73.906 Attention Signal.
73.909 Emergency Action Termination.
73.910 EBS Checklist.
73.911 Standard Operating Procedures (SOP's).
73.912 Authenticator Word Lists.
73.913 Basic Emergency Broadcast System (EBS) Plan.
73.915 NIAC Order.
73.916 Emergency Broadcast System (EBS) Authorization.
73.917 Primary or Alternate Station—Emergency Broadcast System (EBS).
73.918 Primary Relay or Alternate Relay Station—Emergency Broadcast System (EBS).
73.919 Non-Participating Station.
73.920 State Emergency Broadcast System (EBS) Operational Plan.
73.921 Operational (Local) Area.
73.922 Common Program Control Station (CPCS).
73.923 State Relay Network.
73.924 State Network Primary Control Station.
73.925 Emergency Broadcast System (EBS) Programming Priorities.

PARTICIPATION

73.926 Participation in the Emergency Broadcast System (EBS).
73.927 Participation by Communications Common Carriers.

EMERGENCY ACTIONS

73.931 Dissemination of Emergency Action Notification.
73.932 Radio Monitoring Requirement.
73.933 Emergency Broadcast System (EBS) Operation During A National-Level Emergency.

DAY-TO-DAY EMERGENCY OPERATION

73.935 Day-to-Day emergencies posing a threat to the safety of life and property; State-Level and Operational (Local) Area-Level Emergency Action Notification.
73.936 Emergency Broadcast System (EBS) Operation During A State-Level Emergency.
73.937 Emergency Broadcast System (EBS) Operation During An Operational (Local) Area-Level Emergency.

TESTS

73.961 Tests of the Emergency Broadcast System Procedures.
73.962 Closed Circuit Tests of Approved National-Level Interconnecting Systems and Facilities of the Emergency Broadcast System (EBS).

SCOPE AND OBJECTIVES

§ 73.901 Scope of subpart.

This subpart contains rules and regulations providing for an Emergency Broadcast System (EBS). It applies to all broadcast stations under FCC jurisdiction, and is issued under authority of sections 1, 4 (i), (o) and 303(r) of the Communications Act of 1934, as amended.

§ 73.902 Objectives of subpart.

The objectives of this subpart are to provide a means for the distribution of Emergency Action Notifications and Emergency Action Terminations to licensees and regulated services of the Federal Communications Commission, non-government industry entities, and to the general public. Provision is also made for operation of participating broadcast stations and other non-government industry entities on a voluntary, organized basis during emergency situations for the purpose of providing the President and the Federal government, as well as heads of State and local governments, or their designated representatives, with a means of communicating with the general public. Participation in the EBS at the State and Operational (Local) Area levels is at the discretion of broadcast station management.

DEFINITIONS

§ 73.903 Emergency Broadcast System (EBS).

The EBS is composed of AM, FM and TV broadcast stations and non-government industry entities operating on a voluntary, organized basis during emergencies at National, State or Operational (Local) Area levels.

§ 73.904 Licensee.

The term "Licensee" as used in this subpart means the holder of a broadcast station license granted or continued in force under authority of the Communications Act of 1934, as amended. Such licensees include any AM, FM, or TV station holding a valid license, program test authorization, or other authorization permitting regular broadcast operation.

§ 73.905 Emergency Action Notification (EAN).

The Emergency Action Notification (EAN) is the notice to all licensees and regulated services of the FCC, participating non-government industry entities, and to the general public, of the existence of an emergency situation. The EAN is distributed to non-government entities only in accordance with § 73.931.

§ 73.906 Attention Signal.

The signaling arrangement whereby muted receivers maintained by AM, FM, and TV broadcast stations are activated for the receipt of emergency cueing announcements and broadcasts, is as follows:

(a) Cut the transmiter carrier for 5 seconds. (Sound carrier only for TV stations.)

(b) Return carrier to the air for 5 seconds.

(c) Cut transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(d) Return carrier to the air.

(e) Broadcast 1,000 hertz steady-state tone for 15 seconds.

§ 73.909 Emergency Action Termination.

The Emergency Action Termination is the notice to all licensees and regulated services of the FCC, participating non-government industry entities and to the general public of the termination of an emergency situation. This termination is distributed to non-government entities in accordance with this subpart of the rules and regulations and will be disseminated in the same manner as the dissemination of the EAN.

§ 73.910 EBS Checklist.

This is a document to be posted at broadcast operating positions of AM, FM, and TV broadcast stations. It states in summary form the actions to be taken by that station's personnel upon receipt of the Emergency Action Notification, Termination or Test Messages.

§ 73.911 Standard Operating Procedures (SOP's).

The SOP's contain detailed operational instructions which are used for activating, terminating and testing the National-Level EBS. They are issued by the FCC to specified control points of the national Radio and Television Broadcast Networks (ABC, CBS, MBS, NBC, NPR, UPI-Audio, ABC-TV, CBS-TV, NBC-TV and PBS), the American Telephone and Telegraph Company (AT&T), the Associated Press (AP) and the United Press International (UPI).

(a) *SOP-1, EBS Activation and Termination Procedures.* This SOP contains the detailed operational and authentication procedures for activation, operation, and termination of the EBS in response to an actual National emergency situation.

(b) *SOP-2, EBS Test Transmissions.* This SOP contains the detailed operational and authentication procedures for testing the EBS.

(c) *SOP-3, EBS Backup Procedures.* This SOP contains the detailed operational and authentication procedures to be used in event the procedures in SOP-1 cannot function.

§ 73.912 Authenticator word lists.

These lists are issued every six months by the FCC and are used in conjunction with procedures contained in the EBS Checklist and SOP's for tests or actual National emergency situations.

(a) *EBS Authenticator List—Red Envelope.* This document is used for authentication purposes in conjunction with the procedures contained in EBS Checklists, SOP-1, SOP-2, and SOP-3. It is issued to all broadcast stations and specified control points (National Radio and TV Broadcast Networks, AT&T and AP/UPI).

(b) *EBS Authenticator List (Voice)—White Envelope.* This document is used for caller identification purposes in conjunction with the procedures in SOP-3 and is issued to the above specified control points.

§ 73.913 Basic Emergency Broadcast System (EBS) plan.

The Basic EBS Plan contains guidance to all non-government entities for the distribution of emergency information and instructions covering a broad range of emergency contingencies posing a threat to the safety of life or property.

§ 73.915 NIAC order.

This is a service order previously filed with AT&T providing for program origination reconfiguration of the major Radio and Television Networks voluntarily participating in the National-Level EBS. Participating networks are:

(a) American Broadcasting Company (ABC and ABC-TV).

(b) Columbia Broadcasting System (CBS and CBS-TV).

(c) Intermountain Network (IMN).

(d) Mutual Broadcasting System (MBS).

(e) National Broadcasting Company (NBC and NBC-TV).

(f) National Public Radio (NPR).

(g) Public Broadcast Service (PBS).

(h) United Press International Audio (UPI-Audio).

NIAC Orders must meet White House Requirements and will be activated only in accordance with the FCC Rules and Regulations.

§ 73.916 Emergency Broadcast System (EBS) Authorization.

(a) This authorization is issued by the FCC to licensees of broadcast stations to permit operation on a voluntary, organized basis during a National emergency consistent with the provisions of this subpart of the rules and regulations. This authorization will remain in effect during the period of the initial license and subsequent renewals unless returned by the holder or suspended, modified or withdrawn by the Commission.

(b) Authorizations are issued to one or more broadcast stations for participation in the National-Level EBS as Primary or Alternate Stations or Primary Relay or Alternate Relay Stations.

(c) An EBS Authorization is not required in order to participate on a voluntary, organized basis in State and Operational (Local) Area Emergency Broadcast System operations as set forth in § 73.935.

§ 73.917 Primary or Alternate Station-Emergency Broadcast System (EBS).

(a) A Primary Station broadcasts a common emergency program for the duration of the activation of the National-Level EBS. The EBS transmissions of such stations are intended for direct public reception.

(b) An Alternate Station removes its carrier from the air during the activation period, and stands by in operational readiness to assume broadcasting responsibilities in the event the Primary Station is unable to carry out its operational functions.

§ 73.918 Primary Relay or Alternate Relay Station-Emergency Broadcast System (EBS).

(a) A Primary Relay Station is an FM or TV station responsible for relay service of National-Level common emergency programming and also functions as a part of a State Relay Network.

(b) An Alternate Relay station removes its carrier from the air during the activation period, and stands by in operational readiness to assume broadcasting responsibilities in the event the Primary Relay Station is unable to carry out its operational function.

§ 73.919 Non-participating Station.

This is a broadcast station which is not voluntarily participating in the National-Level EBS and does not hold an EBS Authorization. Such stations are required to remove their carriers from the air and monitor for emergency action termination in accordance with the instructions in the EBS Checklist for Non-Participating Stations.

§ 73.920 State Emergency Broadcast System (EBS) Operational Plan.

This plan contains the necessary guidance for State and Local officials to communicate with the general public during a State or local emergency situation.

§ 73.921 Operational (Local) Area.

This is a geographical area which encompasses a number of contiguous communities, as determined by the State Industry Advisory Committee (SIAC) and as shown in the State EBS Operational Plan.

§ 73.922 Common Program Control Station (CPCS).

This is the Primary Station in an Operational (Local) Area which is responsible for coordinating the carriage of a common emergency program for its area. If it is unable to carry out this function other Primary and Alternate Stations in progressive order in the Operational (Local) Area will be assigned the responsibility as indicated in the State EBS Operational Plan.

§ 73.923 State Relay Network.

A State Relay Network is a relay network composed primarily of FM stations and, if necessary, augmented by TV stations and leased common carrier communications facilities, for disseminating statewide emergency programming orginated by the Governor or his designated representatives.

§ 73.924 State Network Primary Control Station.

A State Network Primary Control Station is an FM station that acts as the originating station for the State Relay Network, and is programmed directly by the Governor or his designated representatives. A TV station may also fill the function in event no qualified FM station is available.

§ 73.925 Emergency Broadcast System (EBS) Programming Priorities.

(a) Program priorities for EBS are as follows:

Priority One—Presidential Messages.
Priority Two—State Programming.
Priority Three—Operational (Local) Area Programming.
Priority Four—National Programming and News.

(b) Participating stations that remain on the air during a National emergency situation must carry Presidential Messages "live" at the time of transmission. Activation of the National-Level EBS will preempt operation of the State or Operational (Local) Area EBS.

(c) During a National emergency the Radio and Television (aural) Broadcast Network program distribution facilities shall be reserved exclusively for the distribution of Presidential Messages and National Programming and News. National Programming and News which is not broadcast at the time of original transmission shall be recorded locally by the CPCS for broadcast at the earliest opportunity consistent with Operational (Local) Area requirements.

PARTICIPATION

§ 73.926 Participation in the Emergency Broadcast System (EBS).

(a) The FCC will send to new licensees an EBS authorization and a letter requesting their voluntary participation in the EBS. Stations are requested to accept or decline this authorization within 30 days of receipt. Should the request be declined, the EBS Authorization should be returned to FCC. In either event, an appropriate EBS checklist and EBS station designation will be forwarded to the station manager.

(b) Any existing licensee who is not already a participant and desires to participate voluntarily in the National-Level EBS must submit a written request to FCC. The FCC may then issue an EBS Authorization.

(c) Any station may withdraw from EBS participation by giving 30 days written notice and by returning its EBS Authorization to the FCC.

(d) Any station that is denied participation in the National-Level EBS for any reason may apply to the Commission for review of the staff denial in accordance with § 1.115 of this chapter.

(e) Any AM, FM, or TV broadcast station licensee may, at the discretion of management, voluntarily participate in the State-Level and Operational (Local) Area-Level EBS in accordance with the provisions of the State EBS Operational Plan. An EBS Authorization is not required.

§ 73.927 Participation by Communications Common Carriers.

(a) Communications common carriers which have facilities available in place may, without charge, connect an independent broadcast station to networks operated by ABC, CBS, IMN, MBS, NBC, NPR, or PBS for the duration of a National Emergency; provided the station possesses an EBS Authorization and has in service a local channel from the station studio or transmitter directly to the nearest telephone company Principal Central Office (toll test).

(b) During the activation of the National-Level EBS, communications common carriers which have facilities in place may, without charge, connect an originating source associated with an appropriate NIAC Order from the nearest Exchange to a selected Test Center and then to the Radio and Television (aural) Broadcast Networks for the duration of the emergency; provided that:

(1) The originating source has in service a local channel from the originating point to the nearest Exchange.

(2) A NIAC Order covering this service is requested by the White House.

(c) Upon receipt of the Emergency Action Termination the communications common carriers shall:

(1) Disconnect the participating independent station.

(2) Disconnect the origination source.

(3) Restore the networks to their original configurations.

(d) During Closed Circuit Tests of the National-Level EBS using NIAC Orders, communications common carriers which have facilities in place may, without charge, connect an originating source associated with an appropriate NIAC Order from the nearest Exchange to a selected Test Center, and then to the Radio Networks. No participating independent station may be connected during the test unless authorized by the FCC. Upon termination of tests the Radio Networks shall be restored to their original configuration.

(e) Every such carrier rendering any such free service shall make and file, in duplicate, with the FCC, on or before the 31st day of July and on or before the 31st day of January of each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December respectively, next prior to said dates. These reports shall show in detail what free service was rendered pursuant to this rule and the charges in dollars which would have accrued to the carrier for such services rendered if charges therefor had been collected at the published tariff rates.

EMERGENCY ACTIONS

§ 73.931 Dissemination of Emergency Action Notification.

(a) *National-Level.* The Emergency Action Notification (EAN) will be released at this level upon request of the White House. The EAN message is disseminated from the origination point on a dedicated teletypewriter network to control points of the Radio and TV Broadcast Networks (ABC, CBS, MBS, NBC, NPR, UPI-Audio, ABC-TV, CBS-TV, NBC-TV and PBS), AT&T, AP and UPI. The EAN is then further disseminated as follows by:

(1) The internal alerting facilities of the Radio and Television Broadcast Networks to all affiliates.

(2) The AP/UPI Radio Wire Teletype Networks to all subscribers (AM, FM, TV broadcast and other stations).

(3) Off-the-air monitoring of AM, FM, and TV broadcast stations and other licensees and regulated services.

Receipt of the EAN via any one of the above arrangements is sufficient to begin emergency actions set forth in § 73.933.

(b) *State-Level.* The dissemination arrangements for the EAN at this level originate from State authorities to the State Network Primary Control Station. The management of this station may, at its discretion, release the EAN at this level under the provisions of § 73.935(2). The EAN will be disseminated in accordance with § 73.931(a)(3) and the State EBS Operational Plan.

(c) *Operational (Local) Area-Level.* The dissemination arrangements for the EAN at this level originate from Operational (Local) Area authorities to the Primary Station designated as the CPCS for the Area. The management of this Primary Station may, at its discretion, release the EAN at this level under the provisions of § 73.935(a). The EAN will be disseminated in accordance with § 73.931(a)(3) and the State EBS Operational Plan.

§ 73.932 Radio Monitoring Requirement.

(a) To insure effective off-the-air monitoring (§ 73.931(a)(3)) all broadcast station licensees must install and operate, during their hours of broadcast operation, equipment capable of receiving Emergency Action Notifications and Terminations transmitted by other radio broadcast stations. This equipment must be maintained in operative condition, including arrangements for human listening watch or automatic alarm devices, and shall have its termination at each transmitter control point. Where more than one broadcast transmitter is controlled from a common point by the same operator, only one receiver is required at that point.

(b) Off-the-air monitoring assignment of each broadcast station is specified in the State EBS Operational Plan.

(c) Prior to commencing routine operation or originating any emissions under program test, equipment test, experimental, or other authorizations or for any other purpose, licensees or permittees shall first ascertain whether an EAN message has been released by any one or all of the following methods:

(1) Monitor the radio and TV network facilities.

(2) Check the Radio Press Wire Service (AP/UPI).

(3) Monitor the Primary Station and/or the Primary Relay Station for your Operational (Local) Area.

If so, operation shall be in accordance with this subpart of the rules.

§ 73.933 Emergency Broadcast System (EBS) Operation During a National-Level Emergency.

(a) An EBS Checklist will be posted at operating positions of all broadcast stations. This Checklist summarizes the procedures to be followed upon receipt of a National-Level Emergency Action Notification or Termination Message in accordance with arrangements described in § 73.931(a).

(b) Immediately upon receipt of an EAN or Emergency Action Termination message all licensees will proceed as follows:

(1) Monitor the radio and TV network facilities for further instructions from the network control point.

(2) Check the Radio Press Wire Service (AP/UPI). Verify the authenticity of message with current EBS Authenticator List (Red Envelope).

(3) Monitor the Primary Station and/or the Primary Relay Station for your Operational (Local) Area for the receipt of any further instructions.

(4) Discontinue normal program and broadcast the following announcement:

We interrupt this program. This is a National Emergency. Important instructions will follow.

(5) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906.

(6) (i) "Primary Stations" will make the announcement as set forth in the EBS Checklist for Primary and Alternate Stations. Those TV broadcast stations holding a Primary Station EBS Authorization will continue operation and shall display the EBS or other appropriate slide during audio transmission. Stations broadcasting in a foreign language shall repeat the announcement in that language.

(ii) "Primary Relay Stations" will make the announcement as set forth in the EBS Checklist for Primary Relay and Alternate Relay Stations. Those TV broadcast stations holding a Primary Relay Station EBS Authorization will continue operation and shall display the EBS or other appropriate slide during audio transmission. Stations broadcasting primarily in a foreign language shall repeat the announcement in that language.

(iii) "Alternate Stations" will make the announcement as set forth in the EBS Checklist for Primary and Alternate Stations. TV broadcast stations shall display the EBS or other appropriate slide during the transmission procedure. Stations broadcasting in a foreign language shall repeat the announcement in that language. Following the announcement the Alternate Stations will remove its carrier from the air and stand by in operational readiness in accordance with the Checklist.

(iv) "Alternate Relay Stations" will make the announcement as set forth in the EBS Checklist for Primary Relay and Alternate Relay Stations. TV broadcast stations shall display the EBS or other appropriate slide during the transmission procedure. Stations broadcasting in a foreign language shall repeat the announcement in that language. Following the announcement the Alternate Relay Stations will remove its carrier from the air and stand by in operational readiness in accordance with the Checklist.

(v) "Non-Participating Stations" will make the announcement as set forth in the EBS Checklist for Non-Participating Stations. TV broadcast stations shall display the EBS or other appropriate slide during the transmission procedure. Stations broadcasting in a foreign language shall repeat the announcement in that language. Following the announcement the Non-Participating Station will remove its carrier from the air in accordance with the Checklist.

(7) Upon completion of the above transmission procedures:

(i) Primary Stations within an Operational (Local) Area will upon cue from the Common Program Control Station, begin broadcast of a common emergency program. All stations shall carry a common emergency program until receipt of the Emergency Action Termination. Programming priorities are set forth in § 73.925. Feeds will be provided by one or more of the following:

(*a*) Common Program Control Station for the Operational (Local) Area.

(*b*) Radio and Television Broadcast Networks.

(*c*) State Relay Networks.

(*d*) Primary Relay Station for the Operational (Local) Area.

(ii) Primary Relay Stations will begin common emergency program relay and distribution service.

(iii) Alternate Stations and Alternate Relay Stations within an Operational (Local) Area will now turn off their transmitters and stand by to begin broadcasting a common emergency program upon cue from a Primary or Alternate Relay Station which may be unable to continue operation for any reason.

(8) Standby Script:

(i) Upon completion of the EAN message the Standby Script shall be used only by Primary Stations (or stations required to assume that responsibility) until program material is available. The text of the Standby Script is contained in the EBS Checklists for Primary and Alternate Stations and for Primary Relay and Alternate Relay Stations.

(ii) In addition, Standby Script may be used thereafter, as fill material for the common emergency program for the Operational (Local) Area, upon cue from the Common Program Control Station in the Operational (Local) Area.

(9) A station which broadcasts primarily in a language other than English may broadcast in such foreign language following the broadcast in English.

(10) Broadcast stations in the International Broadcast Service will cease broadcasting immediately upon receipt of an Emergency Action Notification and will maintain radio silence. However, under certain conditions they may be issued appropriate emergency authorization by the FCC with concurrence of the Director, Office of Telecommunications Policy, in which event they will transmit only Federal government broadcasts or communications. The station's carrier must be removed from the air during periods of no broadcast or communications transmissions.

(11) Stations may broadcast their call letters during an emergency situation. State and Operational (Local) Area identifications shall also be given.

(12) All stations operating and identified with a particular Operational (Local) Area will broadcast a common emergency program until receipt of the Emergency Action Termination.

(13) Broadcast stations holding an EBS Authorization are specifically exempt from complying with § 73.52 (pertaining to maintenance of operating power) while operating under this subpart of the rules.

(14) Upon receipt of an Emergency Action Termination Message all stations will follow the termination procedures set forth in the EBS Checklists.

(c) Stations originating emergency communications under this Section shall be deemed to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act of 1934 as amended, and § 73.1207 of the rules and regulations, on other participating stations.

DAY-TO-DAY EMERGENCY OPERATION

§ 73.935 Day-To-Day Emergencies Posing a Threat to the Safety of Life And Property; State-Level and Operational (Local) Area-Level Emergency Action Notification.

(a) State-Level or Operational (Local) Area-Level. The Emergency Action Notification may be released at this level by AM, FM, and TV broadcast stations, at management's discretion, in connection with day-to-day emergency situations posing a threat to the safety of life and property. Examples of emergency situations which may warrant either an immediate or delayed response by the licensee are: tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gases, widespread power failures, industrial explosions, and civil disorders.

(b) Stations originating emergency communications under this section shall be deemed to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act of 1934, as amended, and § 73.1207 of the rules and regulations, on other participating stations.

§ 73.936 Emergency Broadcast System (EBS) Operation During A State-Level Emergency.

(a) An EBS Checklist will be posted at operating positions of all broadcast stations.

(b) Operations will be conducted in accordance with the provisions of the State-Level EBS Operational Plan.

(c) An EBS Authorization is not required for a broadcast station to participate in the operation of the State-Level EBS.

(d) Immediately upon receipt of a State-Level Emergency Action Notification or Emergency Action Termination message all licensees which are voluntarily participating, may, at the discretion of management, proceed as follows:

(1) Monitor the State Relay Network for receipt of any further instructions from the State Network Primary Control Stations.

(2) Monitor the Primary Station designated as the CPCS for your Operational (Local) Area for the receipt of any further instructions.

(3) Discontinue normal program operation and broadcast the following announcement:

We interrupt this program because of a statewide emergency. Important information will follow.

(4) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906.

(5) All licensees participating in the State-Level EBS will make the announcement as set forth in the EBS Checklists. TV broadcast stations should display the State EBS or State Association of Broadcasters slide during the transmission procedure. Stations broadcasting primarily in a foreign language shall repeat the announcement in that language.

(6) Upon completion of the above transmission procedures, resume normal programming until receipt of the cue from the CPCS for your Operational (Local) Area, or Primary Relay Station for the State EBS Network. At that time begin broadcasting the State-Level common emergency program received from one of the following sources:

(a) Common Program Control Station for your Operational (Local) Area.

(b) State Relay Network.

(c) Primary Relay Station for the Operational (Local) Area.

(7) All licensees may resume normal broadcast operations upon conclusion of the State-Level EBS broadcast.

§ 73.937 Emergency Broadcast System (EBS) Operation During An Operational (Local) Area Emergency.

(a) An EBS Checklist will be posted at operating positions of all broadcast stations.

(b) Operations will be conducted in accordance with the provisions of the State EBS Operational Plan.

(c) An EBS Authorization is not required for a broadcast station to participate in the operation of the local-level EBS.

(d) Immediately upon receipt of an Operational (Local) Area-Level Emergency Action Notification or Emergency Action Termination all licensees which are voluntarily participating, may, at the discretion of management, proceed as follows:

(1) Monitor the Primary Station designated as the CPCS for your Operational (Local) Area for the receipt of any further instructions.

(2) Monitor the Primary Relay Station for your Operational (Local) Area for the receipt of any further instructions.

(3) Discontinue normal program operation and broadcast the following announcement:

"We interrupt this program because of a local emergency. Important information will follow."

(4) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906.

(5) All licensees participating in the Operational (Local) Area-Level EBS will make the announcement as set forth in the EBS Checklists. TV broadcast stations should display an Operational (Local) Area EBS slide during the transmission procedure. Stations broadcasting primarily in a foreign language shall repeat the announcement in that language.

(6) Upon completion of the above transmission procedures, resume normal programming until receipt of the cue from the CPCS for your Operational (Local) Area. At that time begin broadcasting the common emergency program received from one of the following sources for your Operational (Local) Area:

(i) Common Program Control Station.

(ii) Primary Relay Station.

(7) All licensees may resume normal broadcast operations upon conclusion of the Operational (Local) Area-Level EBS broadcast.

TESTS

§ 73.961 Tests of the Emergency Broadcast System Procedures.

Tests of the EBS procedures will be made at regular intervals with appropriate entries in the station operating log, as follows:

(a) Weekly "500" Net Test Transmissions. Test transmissions of the National-Level interconnection facilities will be conducted on a random basis once each week. The tests will originate on an alternate basis from one of two origination points over a dedicated government teletypewriter network to the control points of the Radio and Television Broadcast Networks, AT&T, AP and UPI. A dedicated automatic telephone network will be used for confirmation purposes between the origination points and AP and UPI. These tests will be in accordance with procedures set forth in EBS SOP-2 which is furnished to the non-government entities concerned.

(b) Periodic AP/UPI Test Transmissions. AP and UPI will separately conduct test transmissions to AM, FM and TV broadcast stations, on their Radio Wire Teletype Networks, a maximum of twice a month on a random basis at times of their choice. These tests will be conducted in accordance with procedures set forth in EBS SOP-2 which is furnished to the non-government entities concerned and the EBS Checklist furnished to all broadcast stations.

(c) Weekly Off-The-Air Monitor Tests will be conducted by all AM, FM, and TV broadcast stations once each week between the hours of 8:30 a.m. and local sunset. These tests will be conducted in accordance with procedures set forth in the EBS Checklist furnished to all broadcast stations.

(d) Tests of State program distribution interconnecting systems and facilities should be conducted on a day-to-day basis as periodic broadcast operations.

(e) Stations originating emergency communications under this section shall be deemed to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act of 1934, as amended, and § 73.1207.

(f) Operational (Local) Area common emergency program distribution interconnecting systems, facilities, and procedures shall be tested on a closed circuit basis to insure emergency readiness of such facilities in accordance with approved State EBS Operational Plans.

§ 73.962 Closed Circuit Tests of Approved National-Level Interconnecting Systems and Facilities of the Emergency Broadcast System (EBS).

(a) Tests of approved National-Level interconnecting systems and facilities of non-government entities voluntarily participating in the EBS will be conducted on a random or scheduled basis not more than once a month and not less than once every 3 months only after FCC approval. Time of test will be selected by both White House and National Industry Advisory Committee (NIAC) representatives in coordination with the Defense Commissioner, FCC. Unless a random Closed Circuit Test has been selected, the FCC will notify the Networks, AT&T and Wire Services of the selected time window, four working days (holidays excluded) prior to the Test.

(b) The details of these Closed Circuit Test procedures are contained in the EBS Checklists issued to all broadcast stations and in SOP-2 issued by the FCC to those non-Government entities concerned.

(c) The radio networks, AT&T, AP and UPI will receive notification of closed circuit tests of NIAC Orders by a Closed Circuit Test Activation Message, followed by a NIAC Order Request Message.

(d) The National-Level EBS will be tested on a closed circuit basis. These test broadcasts will originate from a point selected by the White House with program feed circuitry connected to the Telephone Company Toll Test Center at points indicated by the individual NIAC Orders. AT&T will interconnect, as required, the facilities of the Radio Broadcast Networks, ABC, CBS, MBS, NBC, NPR, UPI-Audio and the Intermountain (IMN) Radio Broadcast Network as authorized by the NIAC Order associated with the Closed Circuit Test. The audio networks associated with the video networks of ABC-TV, CBS-TV, NBC-TV and PBS shall not be utilized during closed circuit tests. The telephone companies are not authorized to add any of the independent stations participating in the EBS unless authorized by the FCC. Authentication will be provided to the Telephone Company Toll Test Center

responsible for the particular NIAC Order to be used as set forth in SOP-2. Authentication used in the Closed Circuit Test messages will be the test words printed on the outside of the EBS Authenticator List (Red Envelope).

(e) Closed Circuit Test procedures for Radio Network affiliates and AP/UPI subscribers are as follows:

(1) Notification of a Closed Circuit Test will be received in accordance with procedures set forth in § 73.931(a) (1) and (2) and the EBS Checklist.

(2) Immediately monitor your radio network (ABC, CBS, IMN, MBS, NBC, NPR and UPI-Audio) and check your AP/UPI Radio Wire Teletype Network machine for the receipt of the Closed Circuit Test Activation Message. Verify authenticity using the test words printed on the outside cover of the current issue of the EBS Authenticator List (Red Envelope). Television networks do not participate in the Closed Circuit Tests.

(3) Continue to monitor your radio network for talkup, and the Closed Circuit Test Program.

(4) Enter the time of receipt of the Closed Circuit Test in your station operating log.

(f) The Federal Communications Commission may request a report of a Closed Circuit Test as deemed appropriate in a format as prescribed by the Commission.

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